

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT W. MAUTHE, M.D., P.C.,  
individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

MILLENNIUM HEALTH, LLC,

Defendant.

Civil Action No. 5:18-cv-1903

CLASS ACTION

Honorable Judge Edward G. Smith

**NOTICE OF APPEAL**

Plaintiff Robert W. Mauthe, M.D., P.C. (“Mauthe” or “Plaintiff”), on behalf of itself and all other persons similarly situated, by counsel, hereby appeals to the United States Court of Appeals for the Third Circuit from the District Court’s May 29, 2020, Memorandum Opinion (Doc. 74) and Order (Doc. 75) granting summary judgment in favor of the defendant Millennium Health, LLC, on Count I of the amended complaint, dismissing Count II of the amended complaint without prejudice pursuant to 28 U.S.C. § 1367(c)(3), and directing the clerk of court to mark the case as closed.

Dated: June 19, 2020

Respectfully submitted,

Robert W. Mauthe, M.D., P.C., a  
Pennsylvania corporation,  
individually and as the  
representative of a class of  
similarly-situated persons

/s/ David M. Oppenheim

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One of its attorneys

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**Certificate of Service**

The undersigned hereby certifies that, on June 19, 2020, he caused the foregoing to be served on the following attorneys of record by electronic mail:

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/s/ David M. Oppenheim  
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